IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of decision : January 23, 2007

Munish Kumar Mehta and others

....Petitioners

versus

State of Punjab and another

....Respondents

Coram: Hon'ble Mr. Justice Virender Singh

Present : Mr. Vaneet Sharma, Advocate, for the petitioners
Mr. Ashutosh Hoshiarpuri, AAG, Punjab
Mr. Vijay Lath, Advocate and Mr. Naveen Sharma, Advocate, for respondent No. 2

Judgment

The petitioners are from in-laws family of respondent No. 2 (Smt. Shaweta alias Bhawna Mehta). They were booked in case FIR No. 100 dated 29.3.2006, under sections 498-A, 406, 312, 313 and 506 IPC, registered at Police Station Division No. 6, Jalandhar. They are now seeking quashing of the said FIR primarily on the basis of compromise arrived at between the parties.

Pursuant to notice, both the respondents have put in appearance.

The learned State counsel does not feel the necessity of filing

the reply to the petition whereas respondent no. 2 has filed a short reply by way of affidavit admitting all the averments of the petition. Respondent No. 2 is present with her father in the Court and she has been identified by Mr. Vijay Lath, her counsel.

It has been brought to my notice that both the sides have already filed a petition under section 13-B of the Hindu Marriage Act for mutual divorce. In the said petition respondent no. 2 has also made a statement (Annexure P/1) to the effect that she has settled all the issues with her husband and divorce be granted by mutual consent as there are no chances of living together. Respondent no. 2 has also made statement before me that she has no objection if the instant petition is allowed and the FIR registered at her instance is quashed.

In support of his contentions, the learned counsel relies upon a judgment of Hon'ble Apex Court rendered in **B.S.Joshi vs State of Haryana** 2003(2) RCR (Criminal) 888 and Full Bench judgment of this Court rendered in **Dharambir versus State of Haryana,** 2005(3) RCR (Criminal) 426.

In order to strengthen his arguments, the learned counsel also relies upon another judgment of this Court rendered in **Smt. Sobha Mehra and another vs State of Haryana and another** , 2004(1) RCR (Criminal) 136, in which FIR registered under sections 498-A, 406, 307, 407, 323, 506 IPC was quashed on the basis of compromise. In the said judgment this Court has also referred to **Ram Dayal and others v. State of Punjab,** Crl. Misc. No. 40294-M of 2003, decided on 3.11.2003 and **Sunil Aggarwal and others vs State of Punjab and others**, Crl. Misc. No. 47194-M of 2003, decided on 14.10.2003, in which besides levelling of accusation constituting offence under sections 406 and 498-A IPC, other offences like section 313 IPC were also involved. Despite that this Court had quashed those FIRs although section 320 Cr.P.C. does not permit compounding of such offences.

In the given circumstances of the case and following the ratio of the aforesaid judgments, in my view, continuation of the proceedings in the instant case would amount to un-necessary harassment and agony to the parties with no positive result for either side. In other words , it would amount to abuse of process of court and therefore, in order to secure the ends of justice, the instant FIR and all the subsequent proceedings arising therefrom are liable to be quashed.

Resultantly, the instant petition is allowed. FIR No. 100 dated 29.3.2006, under sections 498-A, 406, 312, 313 and 506 IPC, registered at Police Station Division No. 6, Jalandhar and all subsequent proceedings arising there from are quashed.

(Virender Singh)
Judge

January 23,2006
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